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MAY 26 2004

OFFICE OF PETITIONS

In re Application of	:
Blackmon et al.	:
Application No. 10/666,829	: DECISION REFUSING STATUS
Filed: September 18, 2003	: UNDER 37 CFR 1.47(a)
Attorney Docket No. 82985	:

This is in response to the petition under 37 CFR 1.47(a), filed March 11, 2004. Applicants obtained a one month extension of time for reply. Accordingly, the petition is timely filed.

The petition is dismissed.

Applicants are given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on September 18, 2003, without an executed oath or declaration. Accordingly, on December 12, 2003, the Office mailed a "Notice to File Missing Parts of Application," requiring an executed oath or declaration and a surcharge for its late filing.

In response, on March 11, 2004, applicants filed the present petition, a request for a one month extension of time to reply, and submitted the requisite fees. Additionally, applicants have demonstrated that joint inventor Mohamadreza M. Hagh has refused to sign the declaration as set forth in the Declarations of Facts of James M. Kasischke and Fletcher A. Blackmon.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

Applicants lack item (2) as set forth above.

As to item (2), the Office did not receive an executed oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 with the present petition. Upon filing a renewed petition, applicants must submit an oath or declaration in compliance with 37 CFR 1.63 and 1.67, which identifies the entire inventive entity and the mailing address of each inventor **and is signed by the signing inventors on behalf of the nonsigning, Mohamadreza M. Hagh.**

Further correspondence with respect to this matter should be addressed as follows and **to the attention of Christina Tartera Donnell, Senior Petitions Attorney:**

By mail: Commissioner for Patents
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 PO Box 1450
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Telephone inquiries concerning this matter may be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

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